IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

MACA.No. 20 OF 2007

OPMV.1304/2000 OF ADDL.MOTOR ACCIDENT CLAIMS TRIBUNAL, ALAPPUZHA
.....

APPELLANT/3RD RESPONDENT

THE ORIENTAL INSURANCE CO.LTD.,
ALAPPUZHA, REPRESENTED BY ITS ADMINISTRATIVE OFFICER,REGIONAL OFFICE, ERNAKULAM NORTH,
KOCHI-18.

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENTS:
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1. K.P.MARY, W/O.LATE P.A.JOSEPH,
PUTHEN PARAMBIL, PUNNAPRA, ALAPPUZHA.

2. MANU JOSEPH, S/O.LATE A.P.JOSEPH,
PUTHEN PARAMBIL, PUNNAPRA,
ALAPPUZHA (MINOR).

3. MINU JOSEPH, D/O.LATE A.P.JOSEPH,
PUTHEN PARAMBIL, PUNNAPRA,
ALAPPUZHA (MINOR).

4. ALEYAMMA PATHROSE, W/O.LATE
PATHROSE, AYIRAM THAIVALAPPIL,
PUNNAPARA, ALAPPUZHA.

(MINOR RESPONDENTS 2 AND 3 ARE REPRESENTED BY THEIR MOTHER K.P. MARY, FIRST RESPONDENT.)

BY ADV. SRI.R.KRISHNARAJ

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 12/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.A.C.A. 20/2007

ORDER ON I.A. NO. 24 OF 2007

// DISMISSED //

12TH APRIL, 2007.

SD/-
P.R. RAMAN, JUDGE.

SD/-
ANTONY DOMINIC, JUDGE.

// TRUE COPY //

P.S. TO JUDGE.

knc/-

P.R. RAMAN & ANTONY DOMINIC, JJ.

M.A.C.A. NO. 20 OF 2007

DATED THIS, THE 12TH DAY OF APRIL, 2007.

J U D G M E N T

Antony Dominic, J.

This appeal is directed against the award in O.P. (MV) 1304/2000 dated 18.2.2006, passed by the Motor Accidents Claims Tribunal, Alappuzha. The appellant is the Insurance Company, the third respondent in the claim petition.

2. The only point that was seriously pressed by the learned counsel for the appellant at the time of hearing was that the multiplier adopted by the Tribunal is excessive. The Tribunal took 14 as the multiplier and fixing the monthly income of the deceased at Rs. 3,000/-, awarded an amount of Rs. 3,36,000/- towards the loss of income till retirement and thereafter taking 8 as the multiplier and Rs. 1,500/- as the monthly income, awarded Rs. 96,000/- for the period subsequent to the retirement, as compensation. But we find that the income taken by the Tribunal as Rs. 3,000/- was after deducting one third of the monthly income of the deceased. But the future prospects is not taken into account in this regard.

A certificate is produced which evidences the future prospects of the deceased. Relying on these aspects, it is contended by the respondent claimant that the income fixed by the Tribunal is too low and fixing an amount of Rs. 4,000/- as the income and taking the multiplier of 14 or 15, if compensation is awarded, the amount will be much more than what has been awarded. Considering these submissions, we find that there is force in the said submission. Taking into account the totality of the circumstances, we do not think that the amount as awarded is excessive.

In such circumstances, we do not find any ground to interfere with the award passed by the Tribunal.

Dismissed.

P.R. RAMAN,
(JUDGE)

ANTONY DOMINIC,
(JUDGE)

knc/-